

MAURICE WUTSCHER LLP

Patrick J. Kane (*Pro Hac Vice*)
 440 Stevens Avenue, Suite 200
 Solana Beach, California 92075
 Phone No.: (858) 381-7860
 Email: pkane@mauricewutscher.com

*Attorneys for Plaintiff/Counter-Defendant,
 Palm Avenue Hialeah Trust, a Delaware
 Statutory Trust, for and on behalf and solely
 with respect to Palm Avenue Hialeah Trust, series 2014-1*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PROF-2013-M4 LEGAL TITLE TRUST IV,
 BY U.S. BANK NATIONAL
 ASSOCIATION, AS LEGAL TITLE
 TRUSTEE,

Plaintiff,

v.

SPINNAKER POINT AVENUE TRUST;
 RIVER GLIDER AVENUE TRUST;
 SATICOY BAY, LLC SERIES 5982
 SPINNAKER POINT AVENUE;
 MOUNTAIN GATE AT SUNRISE
 MOUNTAIN HOMEOWNERS'
 ASSOCIATION; ABSOLUTE
 COLLECTION SERVICES, LLC,

Defendant.

SATICOY BAY, LLC SERIES 5982
 SPINNAKER POINT AVENUE,

Counterclaimant,

v.

PROF-2013-M4 LEGAL TITLE TRUST IV,
 BY U.S. BANK NATIONAL
 ASSOCIATION, AS LEGAL TITLE
 TRUSTEE,

Counter-Defendant

Case No.: 2:17-cv-00445-APG-VCF

CONSENT FINAL JUDGMENT

1 WHEREAS, in accordance with Plaintiff/Counter-Defendant, Palm Avenue Hialeah
2 Trust, a Delaware Statutory Trust, for and on behalf and solely with respect to Palm Avenue
3 Hialeah Trust, series 2014-1's ("Palm Avenue"), Defendant Mountain Gate at Sunrise Mountain
4 Homeowners' Association's ("Mountain Gate"), and Defendants and Counterclaimants Saticoy
5 Bay, LLC Series 5982's and Spinnaker Point Avenue's ("Defendants") (collectively, the
6 "Parties") Stipulation for Final Judgment (the "Stipulation").

7 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

8 1. The Parties' Stipulation, and the agreements contained therein, is hereby
9 GRANTED.

10 2. Judgment is hereby entered in favor of Palm Avenue as to the First Amended
11 Complaint's causes of action for quiet title and declaratory relief in accordance with this Court's
12 Order granting Palm Avenue's Motion for Summary Judgment in part entered on February 22,
13 2023. *See* Dkt. 140.

14 3. Judgment is hereby entered in favor of Palm Avenue as to Defendants'
15 Counterclaims in accordance with this Court's Order granting Palm Avenue's Motion for
16 Summary Judgment in part entered on February 22, 2023. *See* Dkt. 140.

17 4. The Deed of Trust ("DOT") recorded against 5982 Spinnaker Point Avenue, Las
18 Vegas, Nevada 89110 ("Property") is a first priority lien that Palm Avenue is entitled to enforce
19 because the superpriority portion of Homeowners' Association lien ("HOA Lien") was satisfied
20 prior to the February 14, 2012 Trustee's Sale conducted by the Homeowners' Association and its
21 agents (the "HOA Sale"). *See* Dkt. 140 at p. 12 lns. 7-13.

22 5. Palm's Avenue's interest in the Property is superior to any interest Defendants
23 have in the Property as Defendants' interest in the Property is junior to Palm Avenue's interest in
24 the Property.

25 6. Defendants are subject to the DOT and its provisions.

26 7. Palm Avenue's unjust enrichment claim is hereby dismissed without prejudice.

27 8. Palm Avenue shall receive all gross rents collected by Defendants from May 1,
28 2023 and all monthly gross rents collected by Defendants thereafter in accordance with this

1 Court's July 18, 2023 Order granting Palm Avenue's Motion for Assignment of Rents, in part.
2 *See*, Dkt. 155.

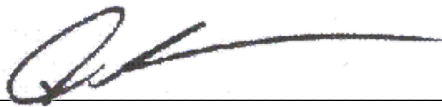
3 9. Defendants shall remit all gross rents collected since May 1, 2023 to Palm Avenue
4 within thirty days of this Judgment being entered.

5 10. Palm Avenue shall recover all costs and attorneys' fees incurred to the extent Palm
6 Avenue is entitled to such costs and/or attorneys' fees as allowable by law or the subject loan's
7 governing documents.

8 11. This Judgment shall not impact the Parties' respective right to appeal any Orders
9 entered during this litigation.

10 **IT IS SO ORDERED.**

11 DATED this 21st day of August, 2023

12
13
14 
15 _____
16 ANDREW P. GORDON
17 UNITED STATES DISTRICT COURT JUDGE
18
19
20
21
22
23
24
25
26
27
28